



Process for Obtaining Mission Concurrence for Washington and Regional Mission Funded Activities

A Mandatory Reference for ADS Chapter 201

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1. OVERVIEW

Pursuant to [ADS 201.3.3.6](#), Washington Operating Units and Regional Missions/platforms (WOU/RMs) that fund and manage activities implemented in the field must obtain concurrence for such activities from the responsible Mission Director or designee. This concurrence should be obtained as early as possible, ideally during activity design.

2. PURPOSE

This policy has four purposes:

1. To ensure that bilateral Missions have overall visibility of WOU/RM-funded and managed activities operating under their purview.
2. To mitigate certain types of risk described in **Section 5**, such as the Agency exceeding a legislated funding cap in a given country.
3. To enable USAID to have a full accounting of all activities operating in each country.
4. To establish standard Agency procedures for obtaining and documenting concurrence.

In addition, this policy affords an important opportunity for WOU/RMs to align their field-based activities with Mission strategies wherever possible, as encouraged in [ADS 201.3.3.6](#). However, this is not a requirement since many WOU/RM-funded activities support other Agency objectives.

3. DEFINITIONS

For purposes of this policy, the terms below are defined as follows:

- A. Mission Concurrence:** A Mission's consent to an activity being implemented in its country of purview based on the criteria described in Step 3 of **Section 5**. Mission concurrence does not necessarily confer endorsement of an activity, alignment with a Mission's strategy, or an offer to assist the Contracting Officer's Representative (COR)/Agreement Officer's Representative (AOR) in monitoring progress in the country.
- B. Activity:** An implementing mechanism, such as a contract or grant. In cases where an implementing mechanism is implemented in multiple countries, the term "activity" is alternatively defined as the all-inclusive set of interventions that are planned or designed to achieve a particular objective in a given country.

- C. WOU/RM:** A Washington Operating Unit or Regional Mission that funds and manages activities implemented in the field (either presence or non-presence countries).
- D. Mission:** Bilateral Missions, country offices, or other Operating Units in the field that have direct purview over a particular country. In this policy, the term “Mission” also refers to Country Desks and/or Regional Bureaus in USAID/Washington in such situations where the Desk and/or Regional Bureau has direct purview over the country.
- E. Mission Director:** Missions Directors, Country Representatives, Senior Development Advisors, or Country Desk Officers who have direct purview over a particular country. This term also includes the designees of such individuals.
- F. Offeror/Applicant:** An organization that responds to a solicitation for a USAID activity.
- G. Concurrence by Default:** Automatic provision of Mission concurrence. Concurrence by default is provided for: (1) certain exempt activities (see **Section 4**); (2) activities to be implemented in a country for which a standardized email address does not exist (see Step 1 in **Section 5**); and (3) activities where a Mission Director has not made a determination within the allotted timeframe (see Step 2 in **Section 5**).
- H. Business Days:** The days between and including Monday to Friday, not including weekends and federal holidays in the United States per **5 USC 6103**. When calculating business days, WOU/RMs and Missions must regard the day after the initial request date as day one.

4. APPLICABILITY

Except as otherwise exempted in this reference, this policy applies to all activities that are funded and managed by WOU/RMs.

There are a number of activities that are exempt from the specific procedures in this policy. These activities include:

- A.** Activities in which implementation began prior to issuance of the Mission concurrence policy.
- B.** Distinct events or interventions under a contract (e.g. an individual evaluation, workshop, or research activity) for which Mission clearance is obtained through the Electronic Country Clearance (ECC) system at

<https://ecc.state.gov>.

- C. Worldwide or regional partnerships with Public International Organizations (PIOs) that qualify as Program Contributions or General Contributions pursuant to ADS [308.3.10.2](#) or [308.3.10.3](#) respectively.
- D. Inter-Agency Agreements (IAAs) that support broad development objectives that aren't tied to specific countries.
- E. Activities funded by multiple donors in which USAID does not have direct control over the countries of implementation.
- F. Worldwide or regional Development Credit Authority (DCA) guarantees.
- G. Activities that are managed by WOU/RMs, but are funded by Missions, such as Field Support or Mission buy-ins.
- H. Activities that are mandated by legislative requirement or presidential directive to take place in a particular country. These activities must be recorded as "concurrence by default" in the A&A Plan pursuant to step 4 of **Section 5**.
- I. Activities targeted at preventing, responding to, recovering from, and transitioning from crisis, due to the fact that there are other procedures in place to ensure that the spirit of the concurrence requirement is satisfied. The WOU/RM must also record these activities in the A&A Plan as "concurrence by default" pursuant to step 4 of **Section 5**. Activities captured under this paragraph include:
 - Activities funded by the International Disaster Account (IDA) and managed by the Office of Foreign Disaster Assistance (OFDA);
 - Activities managed by the Office of Transition Initiatives (OTI); and
 - Activities managed by the Office of Food for Peace (FFP), including emergency and non-emergency programs.

While these activities are exempt from the specific procedures in **Section 5**, if feasible, WOU/RMs must, at a minimum, notify responsible Missions prior to the start of implementation. Possible examples of when notification would not be feasible include cases where activities are classified or where the WOU/RM is not cognizant of the universe of countries of performance.

5. PROCEDURES

There are four steps to obtaining Mission concurrence:

STEP 1: WOU/RM emails a concurrence request form to the Mission.

STEP 2: Mission reviews the WOU/RM request.

STEP 3: Mission makes a determination and sends back the request form to the WOU/RM.

STEP 4: WOU/RM records concurrence in the A&A Plan (where applicable).

Step 1: WOU/RM emails a concurrence request form to the Mission.

The WOU/RM must email concurrence requests to the responsible Mission at **program.[country]@usaid.gov** (see [List of Mission Concurrence Email Addresses](#) for a comprehensive list of email addresses by country and [Help Guide on Creating and Managing Standardized Program Office Email Addresses](#)). If an email address does not exist for the country in question, “concurrence by default” is granted.

The initial email may include any information about the request that the WOU/RM deems relevant; however, at a minimum, the email must include a [Mission Concurrence Request Form](#), with Part One completed, to ensure that the Missions receive certain standard data for all requests. WOU/RMs must send this form in Microsoft Word to enable the Mission to provide their determination in Part Two of the form.

Step 2: Mission reviews the WOU/RM request.

The Mission has 10 business days (see definition of “business days” in **Section 3**) from receiving the initial concurrence request to review the proposed activity and make a determination. Missions may ask additional questions and request additional information from the WOU/RM during this review period at their discretion. The WOU/RM must respond to Mission requests within three business days.

Generally, Missions are expected to make a determination within 10 business days; however, if there are extenuating circumstances and 10 business days is not sufficient, the Mission may request an extension of up to 10 additional business days, which must be automatically granted by the WOU/RM.

If a Mission has not made a determination within 10 business days nor requested an automatic extension, the Mission is presumed to provide “concurrence by default.” If a Mission requests an extension but has not made a determination within 20 business days, the Mission is presumed to provide “concurrence by default.” In both cases, the WOU/RM must notify the Mission of such a determination.

Step 3: Mission makes a determination and sends back the request form.

The Mission Director or designee must indicate this determination on Part Two of the [Mission Concurrence Request Form](#). Then, the Mission must email the signed form back to the WOU/RM.

If the Mission provides concurrence, the Mission may provide any additional detail on the level of communication and collaboration desired during implementation. Some Missions may assign an Activity Manager to assist the COR/AOR in monitoring progress in that country, while others may request that the COR/AOR provide regular updates or a copy of quarterly or annual reports.

If the Mission denies the concurrence request, the Mission must provide the WOU/RM a justification based on at least one of the following criteria:

- A. Reputational Risk:** The activity could damage the image or credibility of USAID in the country.
- B. Security Risk:** The activity may pose physical risks for USAID staff, partner staff, or beneficiaries.
- C. Political Risk:** The activity's actions or decisions could undermine the Mission's authority or alter the ability of the Mission to achieve its objectives.
- D. Legislated Funding Cap:** The cost of the activity exceeds, or puts at risk, a legislated funding cap for the country.
- E. Undue Burden on the Mission:** The activity would place an excessive burden on the Mission because the WOU/RM is calling for the Mission to provide logistical support or oversight that exceeds a Mission's capacity. (Note: This criterion should only be cited where the Mission and WOU/RM have first made good faith efforts to consider alternative solutions.)

Missions are not required to conduct legal reviews for proposed activities. However, Missions should flag any legal questions or concerns relating to an activity for the WOU/RM. It is the responsibility of the WOU/RM to work with their appropriate General Counsel backstop and Contracting/Agreement Officer to determine if the activity could violate any applicable laws, regulations, or requirements. This includes legislated funding caps on foreign aid in particular countries.

Step 4: WOU/RM records concurrence in the A&A Plan.

WOU/RMs must record Mission concurrence in the A&A Plan for all A&A

activities that fall under this policy, as well as for certain exempted activities described in **Section 4**. Activities that receive “concurrence by default” must be marked as such in the A&A Plan. Concurrence denials are not recorded in this system (see [Help Guide on Recording Mission Concurrence in the A&A Plan](#) for additional guidance).

In addition, CORs/AORs and Missions must maintain evidence of Mission concurrence –both approvals and denials – in their electronic or paper files.

6. TIMING FOR OBTAINING CONCURRENCE

The WOU/RM must obtain concurrence as early as possible, ideally during activity design. However, in certain cases, concurrence may be obtained after award if the specific country is not identified during the activity design process. The time at which concurrence is obtained is determined by the point at which the country of performance is identified.

- A. Country Identified during Activity Design:** In cases where the country of performance is identified during activity design, the WOU/RM must identify this country in the solicitation and obtain Mission concurrence prior to the solicitation’s release.
- B. Country Identified Upon Receipt of Unsolicited Proposal/Application:** In the case of unsolicited proposals or applications, the WOU/RM must obtain concurrence prior to the CO/AO initiating negotiations.
- C. Country Identified After Award:** In circumstances in which the country of performance is identified after award, the WOU/RM must obtain Mission concurrence as soon as the country is identified and before implementation in the country begins. The award must contain a requirement for the recipient to obtain approval prior to beginning work in any country that was not specifically identified in the award.
- D. Country Proposed by Applicant(s) in Response to a Global/Regional Solicitation:** In the case of global or regional solicitations where applicants propose the country of performance, the WOU/RM must obtain concurrence after receipt of initial concept papers or expressions of interest, or full applications if there is no concept review process. This class of solicitations includes regional or global Annual Program Statements (APSs), Grand Challenges, and Broad Agency Announcements (BAAs), among others. In these cases, WOU/RMs may initiate the process of reviewing applications in parallel with the concurrence process; however, negotiations with an apparently successful applicant must not take place until after concurrence is obtained. If an award is subsequently made, the WOU/RM must notify the responsible Mission at **program.[country]@usaid.gov**. The section on Eligibility

Information in the solicitation must include a statement that award is contingent on USAID obtaining concurrence from the responsible Mission.

Note: Under acquisition, the country of performance should in almost all cases be known prior to solicitation. WOU/RMs must consult with their CO for additional guidance if this is not the case.

7. APPEAL PROCESS

Occasionally, disagreements between the Mission and the WOU/RM may persist after a Mission has denied a concurrence request. In these cases, the WOU/RM may submit an action memo -- through its Assistant Administrator (AA) or Regional Mission Director -- requesting that the decision be reviewed by the AA of the responsible Regional Bureau. Generally, the Regional Bureau AA should defer to the already standing decision unless the WOU/RM successfully demonstrates that the Mission misapplied the relevant criteria in justifying the denial.

For RMs, the Regional Bureau AA's decision is always final. For WOUs, the Regional Bureau AA is most often the final word, however, in extraordinary cases, WOUs may appeal the Regional Bureau AA's decision to the Deputy Administrator, who may review the appeal at their discretion. The WOU must submit a one-page action memo that describes how the criteria used to deny the request was misapplied, and why the decision should be reversed. The action memo must attach the written justification provided by the Mission (and, where relevant, Regional Bureau) denying the concurrence request.

8. BLANKET EXCLUSION

In very rare cases, Missions may request a blanket (or limited) exclusion of all WOU/RM-funded and managed activities due to exceptionally high security risks, reputational or political sensitivities, or a legislated funding cap. Such requests must be sent to the Deputy Administrator for approval. The exclusion may be communicated via Agency Notice, or on a need-to-know basis as requests are made. Blanket exclusions expire at the end of each fiscal year and must be renewed in order to continue into the new fiscal year.

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